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MAY 10 2004

OFFICE OF PETITIONS

In re Application of
McCann, et al.
Application No. 09/849,152
Filed: May 4, 2001
Attorney Docket No. KLR:1016.066

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 2004, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed June 18, 2003. This Office action set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on September 19, 2003. A Notice of Abandonment was mailed on January 14, 2004.

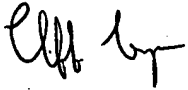
With the instant petition, petitioner paid the petition fee, filed a reply in the form of an amendment, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$950 extension of time fee submitted with the petition on March 24,

2004 was subsequent to the maximum period obtainable for reply (December 18, 2003), this fee has been refunded to petitioner's Deposit Account 03-1550.¹

The application file is being forwarded to Group Art Unit 2872 for consideration of the amendment filed March 24, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ It is noted that petitioner paid a three month extension fee of \$950 (non-small entity fee), while petitioner paid the small entity fees for the application filing fee, in addition for the petition to revive fee.